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PROPOSED LOCAL GOVERNMENT CODE
Title 47A, R.C.M. 1947

STATE DOCUMENTS

SUMMARY CHARTS

March 1, 1976

CHART A

SCHEDULE FOR PRESENTATION OF THE LOCAL GOVERNMENT CODE

Subject to Approval by Commission

1976	January 22-23rd	COMMISSION MEETING - Initial Presentation of Code
	February 1st to March 19th	Staff Meetings with: City and County Attorneys; City and County Clerks; MACo and MLC&T Executive and Legislative Committees; Executive Committee MAECo; House and Senate Local Government Committees; Study Commissions; Governor's Local Government Advisory Council; DCA Staff.
	February 20-21st	Further Consideration of Code by Commission
	March 19th	Further Consideration of Code by Commission
	March 19-30th	Staff Integrate Commission Proposals and Suggestions from Meetings
	April 30th	Reproduction and General Distribution of Code - 1,000 copies (list to be determined)
	May 1st to July 1st	Staff Public Hearings Across State (4-7), Other Meetings and Presentations
	July 23rd	Commission Adopt Amendments to Code
	July 23rd to August 20th	Integrate Commission Approval Amendments
	August 20th	Commission Meeting - Tentative Approval of Code
	September	Formal Commission Hearings Across State (4-7)
	September 24th	Commission Meeting - Consider Additional Comments, Adopt Amendments and with Changes Approve Code
	October	Printing and Distribution of Code as Approved (1,000 copies)
	December 1st	Report with Code to Legislature

CHART B

LAWS TO BE TRANSFERRED

Laws currently located in Titles 11 and 16 which will be transferred to other code Titles:

TITLE 11

Chapter 16	- Police Courts
Chapter 17	- Municipal Courts
Chapter 18 (Part)	- Police Pensions
Chapter 19 (Part)	- Firemen's Pensions
Chapter 27 (Part)	- Zoning
Chapter 38	- City or City-County Planning Boards

TITLE 16

Chapter 30 (Part)	- Clerk of the District Court
Chapter 36	- Constables and Justices of the Peace
Chapter 41	- County Planning and Zoning

Note: The Commission may recommend substantive changes in these bodies of laws even though they will be located outside the new local government code.

CHART C

OUTLINE OF PART 6, CHAPTERS 2 THROUGH 8

CHAPTER 2. AGRICULTURAL SERVICES

- Extension Activities
- Fairs
- Pest Control
- Weed Control

CHAPTER 3. COMMUNITY DEVELOPMENT

- Housing
- Industrial Development
- Urban Renewal

CHAPTER 4. COMMUNITY SERVICES

- Cultural Affairs
- Libraries
- Museums
- Recreation

CHAPTER 5. EMERGENCY SERVICES

- Civil Preparedness
- Fire Protection
- Law Enforcement

CHAPTER 6. HUMAN SERVICES

- Economic Assistance
- Public Health
- Social Services

CHAPTER 7. TRANSPORTATION

- Airports
- Public Transit
- Roads and Streets

CHAPTER 8. WATER AND WASTE SERVICES

- Sewer
- Solid Waste
- Water

Note: These laws will be drafted and included in the April 30, 1976 publication of the code.

CHART D

OUTLINE OF LOCAL GOVERNMENT CODE

TITLE 47A

PART 1. GENERAL PROVISIONS AND DEFINITIONS

- Chapter 1. General Provisions
- Chapter 2. Definitions and Construction

PART 2. LOCAL GOVERNMENT FORMATION

- Chapter 1. Incorporation and Disincorporation of Municipalities
- Chapter 2. Annexation
- Chapter 3. County Boundaries and County Seats
- Chapter 4. Consolidation, Confederation and Merger

PART 3. LOCAL GOVERNMENT STRUCTURE, ORGANIZATION AND OPERATION

- Chapter 1. Review, Amendment and Adoption of Local Government Form
- Chapter 2. Alternative Forms of Local Government
- Chapter 3. Legislative Organization and Procedures
- Chapter 4. Departments, Boards, Subordinate Service Areas, and Limited Purpose Local Governments
- Chapter 5. Provisions Common to All Forms of Local Government
- Chapter 6. Elections

PART 4. ADMINISTRATIVE PROVISIONS

- Chapter 1. Wages and Benefits
- Chapter 2. Personnel System
- Chapter 3. Official Bonds
- Chapter 4. Code of Ethics
- Chapter 5. Public Meetings and Records

PART 5. POWERS OF GENERAL POWER LOCAL GOVERNMENTS

- Chapter 1. General Government Corporate Powers
- Chapter 2. General Government Governmental Powers

PART 6. SERVICES OF GENERAL POWERS LOCAL GOVERNMENTS

- Chapter 1. General Service Authorization
- Chapter 2. Agricultural Service
- Chapter 3. Community Development
- Chapter 4. Community Services
- Chapter 5. Emergency Services
- Chapter 6. Human Services
- Chapter 7. Transportation
- Chapter 8. Water and Waste Services

PART 7. POWERS AND SERVICES OF SELF-GOVERNMENT LOCAL GOVERNMENTS

Chapter 1. Powers of Self-Government Local Governments
Chapter 2. Limitations on Self-Government Local Governments

PART 8. DUTIES OF LOCAL GOVERNMENTS AS AGENTS OF THE STATE

Chapter 1. General Provisions
Chapter 2. Records
Chapter 3. Public Health
Chapter 4. Law Enforcement
Chapter 5. Judicial
Chapter 6. Administrative

PART 9. LOCAL GOVERNMENT FINANCES

Chapter 1. General Provisions
Chapter 2. Budget and Appropriation
Chapter 3. Local Government Financial Administration
Chapter 4. Sources of Revenue for Local Governments with General Government Powers
Chapter 5. Debt Management

CHART E

AUTHORIZATIONS FOR SERVICES AND FACILITIES, 47A-6-101*

A local government may exercise the powers necessary to provide the following services and facilities:

(1) agriculture and home economic extension services and facilities;

(2) LIVESTOCK AND INSPECTION PROTECTION SERVICES & FACILITIES;

(3) FAIRS, EXHIBITIONS AND SHOWS SERVICES AND FACILITIES;

(4) WEED, INSECT, RODENT, AND PREDATOR CONTROL SERVICE AND FACILITIES;

(5) police protection, jails, and juvenile detention services and facilities;

(6) fire protection services and facilities;

(7) nursing and extended care services and facilities;

(8) health, hospital, and ambulance services and facilities;

(9) transportation services and facilities;

(10) water course and flood control services and facilities;

(11) community, child care, youth, and senior citizen centers;

(12) social and rehabilitative services and facilities;

(13) libraries, museums, civic center auditoriums, theaters, art galleries, historic, cultural, or natural site services and facilities;

(14) animal control services and facilities;

(15) water supply and distribution services and facilities;

(16) sanitary and storm sewers and sewage treatment services and facilities;

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*Explanation of different types:

standard - service to be provided within jurisdiction.
CAPITAL - IF SERVICE IS PROVIDED, IT IS TO BE PROVIDED COUNTYWIDE BY THE COUNTY, UNLESS A MUNICIPALITY IS EXEMPTED AS PROVIDED IN 47A-6-103 (3).
script - service to be provided within jurisdiction and a municipality may provide the service up to five miles outside of its limits, as well as within its limits.

(17) *solid waste collection and disposal services and facilities;*

(18) parking services and facilities;

(19) housing and urban renewal, rehabilitation and development services and facilities;

(20) ferries, wharves, docks, and other marine services and facilities;

(21) PUBLIC SCALES AND LOADING AND UNLOADING SERVICES AND FACILITIES:

(22) *cemetery and memorial services and facilities;*

(23) *natural or manufactured gas and electrical services and facilities;*

(24) *airports and aviation services and facilities;*

(25) market and marketing services and facilities;

(26) *parks and recreational services and facilities;*

(27) streets, roads, sidewalks, curbs, gutters, bridges, walls, bicycle paths, and trails;

(28) musical, theatrical, and other cultural services and facilities;

(29) *zoo, aviary, aquarium, and botanical services and facilities;*

(30) open spaces;

(31) CIVIL DEFENSE SERVICES AND FACILITIES, AS PROVIDED IN SECTIONS _____; and

(32) other services and facilities of a local nature.

REGULATORY POWERS, 47A-6-102

(a) *the operation and use of its public right of ways, public facilities, and services;*

(b) *subdivision and platting of lands as provided in* _____;

(c) *zoning as provided in* _____;

(d) land use planning and open spaces as provided in _____;

(e) *building, housing, electrical, plumbing and related codes;*

(f) *naming and numbering of roadways, numbering of houses & lots;*

(g) demolition and removal of dangerous or damaged structures;

(h) floodplain construction, waterways, and drainage;

(i) public accommodations;

(j) *fire prevention and safety, including the storage, possession and transportation of dangerous or inflammable substance;*

(k) *air and water pollution within the standards established by the state;*

(l) *open ditches and other nuisances;*

(m) licensing, impoundment, treatment & disposition of animals;

(n) selling of goods;

(o) selling of food;

(p) selling of alcoholic beverages as provided in Title 4;

(q) vehicles, parking, and traffic;

(r) *taxis, and other public transportation systems;*

(s) *pawnshops, secondhand shops, junkyards, and dumps;*

(t) *circuses, prizefights, dances, shows, and other places of amusement;*

(u) *cemeteries;*

(v) gambling as provided in Title 62, chapter 7;

(w) occupations, businesses, and industries; and

(x) *all other activities affecting the general health, safety, well-being, or welfare of its inhabitants.*

CHART F

POWERS OF GENERAL POWER LOCAL GOVERNMENTS
47A-5-103 and 47A-5-201

- Enact ordinances and resolutions to:

    * Preserve peace and order
    * Promote the public welfare
    * Provide any authorized service or facility
    * Exercise any authorized power

    * Enter into inter-local agreement
    * Consolidate offices
    * Establish salaries of all elected officials
    * Determine the administrative structure of the local government
    * Assign the responsibility for the performance of duties required by state law

- Sue

- Buy, sell, lease, hold and dispose of property

- Contract

- Pay expenses

- Borrow money

- Accept bequests, donations

- Make grants

- Conduct inquiries and punish contempt

- Hire, direct, and fire employees

- Ratify action taken

- Have a seal

- Exercise the power of eminent domain

- Initiate a civil action to enjoin an ordinance violation

- Grant a franchise

CHART G

METHODS BY WHICH SERVICES AND FACILITIES MAY BE PROVIDED, 47A-6-104

Any authorized service in 47A-6-101 may be provided:

1. directly by the local government through an elected official or department;

2. by the local government in cooperation with any state agency or political subdivision of the state;

3. by purchasing the service from a private or public vendor;

4. through the establishment of subordinate service districts and local improvement districts as provided in 47A-6-105 through 120; or

5. by establishing a limited purpose local government, as provided in 47A-3-406.

CHART H

LIMITED PURPOSE LOCAL GOVERNMENTS, 47A-3-406

MUNICIPAL AIRPORT AUTHORITIES

REGIONAL AIRPORT AUTHORITIES

CONSERVANCY DISTRICTS

DRAINAGE DISTRICTS

IRRIGATION DISTRICTS

SOIL AND WATER CONSERVATION DISTRICTS

HOUSING AUTHORITIES

HOSPITAL DISTRICTS

CEMETERY DISTRICTS

COUNTY WATER AND SEWER DISTRICTS

Authorized Mill Levies

Purpose	Maximum Mill Levy
Airport Authority	2
Airport Deficiency	-
Conservancy District	5
Drainage District	-
Irrigation District	-
Soil & Water Conservation	4.5
Housing Authority	-
Hospital District	2
Co. Water & Sewer	2

Additional Tax Levies

Special Livestock and Sheep Taxes

Purpose	Maximum Mill Levy
Livestock Protective	$.25 per head
Cattle Protective	$.25 per head
Sheep Protective	$.15 per head

CHART I

DUTIES AS AGENTS OF THE STATE
Part 8, Chapter 2 through 6

RECORDS AND INDEXES

(Births, bonds, judgments, etc.)

OFFICIAL RECORDS

(Maps of municipalities, special service districts, limited purpose local governments, final plats of subdivisions, etc.)

PUBLIC HEALTH DUTIES AND REPORTS

(County may delegate to a board)

LAW ENFORCEMENT

(Chief law enforcement officers duties, inquests, prosecutorial duties of county prosecutor, county jails, prisoners)

JUDICIAL

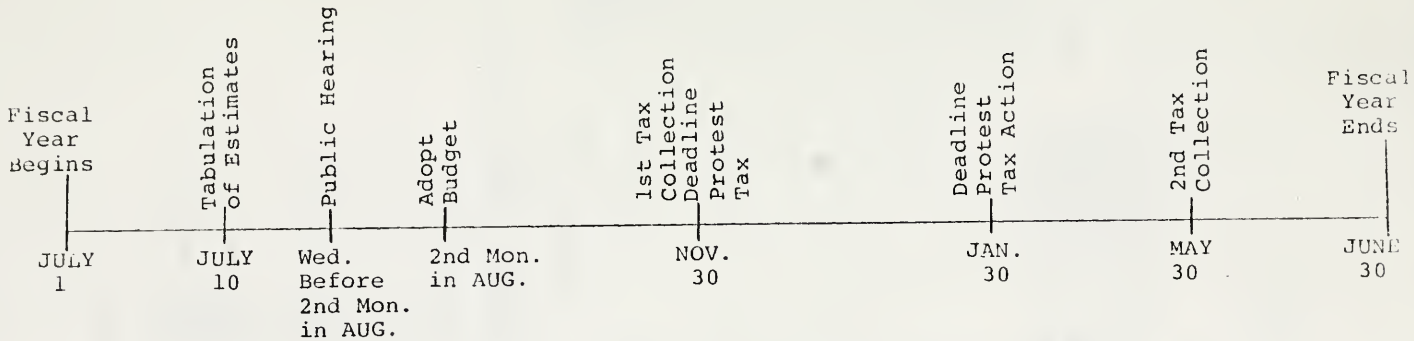
(Justice courts and facilities, district court facilities, duties of clerk of court, jurors, witnesses, interpretors, court reporters, public defenders, youth probation officer, service of process)

ADMINISTRATIVE

(Assessment, levy, and collection of taxes, school district finance responsibilities, elections administration, public welfare duties, public administrator, tax appeals board, weed control)

CHART J

CURRENT BUDGET CYCLE



PROPOSED BUDGET CYCLE

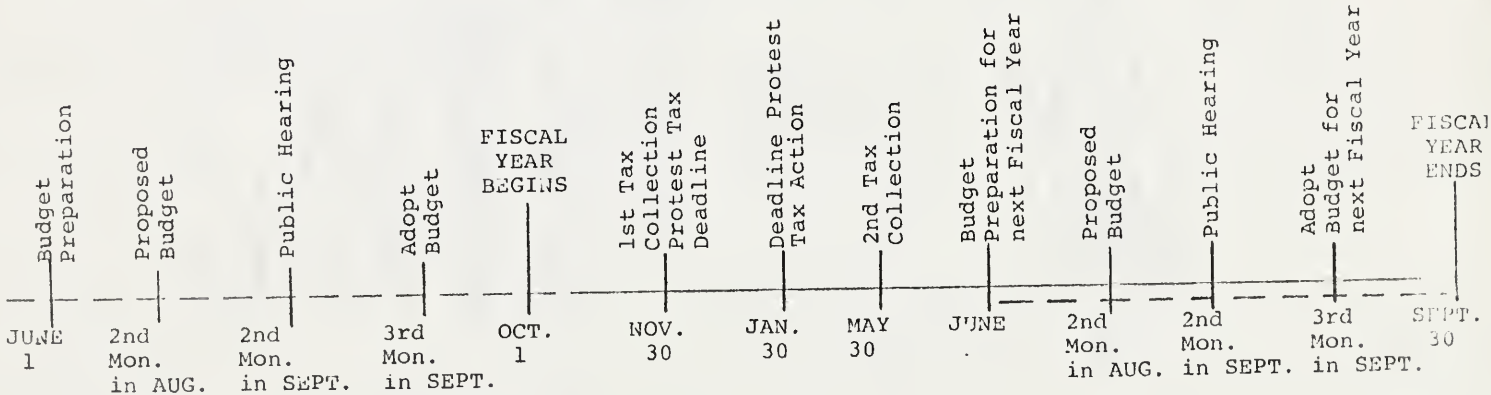


CHART K

SOURCES OF REVENUE

Taxes	Interest Earnings
Licenses and Permits	Rents and Royalties
Intergovernmental Revenues	Special Assessments
Charges for Services	Sale of Fixed Assets
Fines and Forfeitures	Enterprise Charges

LOCAL OPTION TAXES

Tax	Jurisdiction
Income (limit 20% surcharge)	County/with County and Municipal Distribution
Motor Vehicle License (50% of existing fee)	County/Municipal
Hotel Room (10% or $1.00)	County/Municipal
Utility Purchase (1% of costs)	County/Municipal
Franchises	County/Municipal
Fuels (2 cents per gal.)	County/Municipal

CHART L

PROPERTY TAX MILL LEVIES: COUNTIES

Current Authorization

Purpose	Max. Mills
General	25/27
Poor Fund	13.5
Roads	12/15
Emergencies	2
Group Insurance	4
Bridge Fund	3/4/5
Special Bridge	5
Voted Road	10
County Fair	1.5
County Library	3
Joint Library	3
Airport	2
City-Co. Planning	2/3/4/5/6
Public Ferry	2
Ambulance	1
Open Space Land	1
Senior Citizen Rec.	1
Museum	1
Mental Health	1

Current Authorization

Purpose	Max. Mills
Board of Health	1
City/Co. Health Board	5
Civic Center	2
Cemetery	2
Econ. Development	1
Insect Pest Control	1
Weed Control	2
Purebred Livestock Show	.25
District Fair	1.5
Comp. Insurance	-
Debt Service	-
Voted Levy	-
R.I.D. Revolving	-
Extension Service	-
P.E.R.S.	-
County Park	-
Rural Fire Control	-
Local Government Study	-
Judgment	-

PROPOSED MILL LEVIES

Purpose	Max. Mills
All-Purpose	65
Social Services	13.5
Public Roadways	15
Fire Dept. Relief	4
Police Reserve	3
Emergency	2
Group Insurance	4
Comp. Insurance	-
Debt Service	-
Voted Levy	-
L.I.D. Revolving	-
Judgment	-

CHART M

PROPERTY TAX MILL LEVIES: MUNICIPALITIES

Current Authorization		Current Authorization	
Purpose	Max. Mills	Purpose	Max. Mills
All-Purpose	65	Planning Comm.	2/4/6
General	24	Bd. of Health	1
Voted	5	Joint Bd. of Health	5
Special Levy	15	Open Space Land	1
Streets & Alleys	12	Ambulance	1
Park & Playground	7	Econ. Development	1
Band & Rec.	1	Emergency	2
City Library	4.5	Senior Citizens Rec.	1
Joint Library	4.5	Urban Renewal	-
Day Care	1	Study Commission	-
Volunteer Fire	2	S.I.D. Revolving Fund	-
Fire Dept. Relief	4	Cemetery	-
Airport	2	Comp. Insurance	-
Police Reserve	3	P.E.R.S.	-
Group Insurance	4	Debt Service	-
Bus	1.5	Judgment	-

PROPOSED MILL LEVIES

Purpose	Max. Mills
All-Purpose	65 [75]
Fire Dept. Relief	4
Police Reserves	3
Emergency	2
Group Insurance	4
Comp. Insurance	-
Debt Service	-
Voted Levy	-
L.I.D. Revolving	-
Judgment	-

CHART N

DEBT

Types of Bonds	Other Types of Indebtedness
1. General Obligation	1. Bond Anticipation Notes
2. Revenue	2. Registered Warrants
3. Local Improvement	3. Installment Purchase
4. Refunding Bonds	4. Direct Bank Loans

"Project" means any combination of the following:

(a) any construction, leasing, acquisition, extraordinary maintenance, or repair;

(b) cost of the local government in the supervision and administration of the project;

(c) any legal work, preliminary studies, surveying, planning, testing or design work, and project supervision and administration;

(d) any lands or rights in land to be acquired;

(e) any furnishings, machinery, apparatus, or equipment normally classified as capital items, but such items must have a useful life of five (5) years or more if financed separately and not as a part of a construction project;

(f) the local government's share of the cost of a project undertaken jointly with one or more local governments, the state, or the federal governments;

(g) the cost of damages caused by the construction of the improvement; and

(h) the cost of interest bonds issued to finance the project.

CHART C

PROVISIONS COMMON TO ALL FORMS OF LOCAL GOVERNMENT

PART 3, CHAPTER 5 - STAFF PROPOSAL

Notice

Publish

Mail Notice

Petition

Public Hearing

Protest

Signatures

Oaths and Marriages

Vacancies in elective office

Succession to governing body in emergencies

Provision for quorum in emergencies

II. PART 3, CHAPTER 6 - STAFF PROPOSAL

Officers of local government

Elections required

Election dates

Qualifications of local government official

Qualifications of local government elector

Initiative and Referendum

Election Precincts - Districts Polling Places

General Election Procedures

Election procedures for questions submitted to electors

Bond election procedures

Election submitted to electors within districts

Recall

III. OTHER

CREATION OF SERVICE DISTRICTS (Subordinate Service Districts)

CREATION OF BOARDS

ISSUANCE OF GENERAL OBLIGATION BONDS

ISSUANCE OF REVENUE BONDS

ISSUANCE OF LOCAL GOVERNMENT IMPROVEMENT BONDS

CHART P

TYPES OF ANNEXATION
Part 2, Chapter 2

I. Annexation by acceptance of final plat
(47A-2-205)

II. Annexation of wholly surrounded area
(47A-2-206)

III. Extension of boundaries to include certain areas
(47A-2-207)

IV. Annexation through plans to provide services
(Planned Community Development Act of 1973)
(47A-2-208 to 212)

STATE LAWS TO BE EFFECTIVE AS LOCAL ORDINANCES UNTIL JUNE 30, 1979, 47A-3-409

The State laws providing for the organization and operation of the following boards, commissions, and departments shall be given the status of local ordinance until June 30, 1979, and such boards shall continue to function under the respective laws until the boards are reorganized by local ordinance:

AIRPORT BOARD

LIBRARY BOARD

PUBLIC CEMETERY BOARD

FAIR BOARD

FIRE DISTRICT BOARD

HEALTH BOARD

LOCAL IMPROVEMENT DISTRICT COMMITTEE OF SUPERVISORS

MOSQUITO ABATEMENT DISTRICT BOARD

MUSEUM BOARD

PARK BOARD

OFF-STREET PARKING COMMISSION

POLICE RESERVE FUND BOARD

DEPARTMENT OF PUBLIC SAFETY

REFUSE DISPOSAL DISTRICT BOARDS

TELEVISION DISTRICT BOARDS

URBAN RENEWAL BOARDS

WEED CONTROL BOARDS